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United States District Court
Southern District of New York

KLAUBER BROTHERS, INC.,

Plaintiff,

v.

RUSSELL-NEWMAN, INC. and
THE BON-TON STORES, INC.,

Defendants.

11 Civ. 4985 (PGG)

NOTICE OF APPEAL

Notice is hereby given that Plaintiff in the above-named case, hereby appeals to the
United States Court of Appeals for the Second Circuit from the Memorandum Opinion & Order
(Dkt. No. 23) entered in this action on the 26th day of March, 2013, granting the Motion to
Dismiss by Defendant The Bon-Ton Stores, Inc.

Dated: April 24, 2013
New York, NY

/s/Philip H. Gottfried
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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing to be served by electronic mail this 24th day of April, 2013 on the following pursuant to the parties' agreement:

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